IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1325 OF 1998
(FOR VACATING STAY)
IN
CRIMINAL APPLICATION NO.663 OF 1997

The State of Maharashtra]
(At the instance of the]
Asstt.Police Inspector,]
Gaondevi, Police Station,]
Mumbai.]..Applicant
(Ori.Complainant)

Versus

1. Shri.Mohammed Roshan]
aged 22 years, Occ:Student]
residing at 'Allana]
Chambers' 2nd floor,]
Bomanji Petit Road,]
Mumbai-400026]
]
2. Shri.Salim Mohammed]
Lakdawala, aged 36 yrs.]
Occ: Business, residing at]
Ground floor, 'Beau-Lieu']
29, Doongarshi Road,]
Malbar Hill, Mumbai]
400006]
]
3. Shri.V.L.Thakur,]
Special Executive]
Magistrate, Tardeo Divn.]
Gamdevi Police Station's]
Building, 1st floor,]
Pandit Ramabai Marg,]
Gamdevi, Mumbai-400007]...Respondents

....

Mr.A.S.Shitole A.P.P. for Applicant
None for Respondents

....

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPTEMBER 30,2004

ORAL JUDGMENT:

1. The applicants in Criminal Application No. 663 of 1997 i.e. Respondent Nos.1 and 2 in the present application had preferred said application for quashing the Show-Cause Notice issued against them under Section 110 of the Code of Criminal Procedure in Chapter Case No. 1 of 1997. The said Notice was issued by Respondent no.3 i.e. Special Executive Magistrate Tardeo Division, Mumbai. The said application came to be admitted and interim relief came to be granted by this Court by order dated 25th February, 1997. Hence, the present application has been preferred by the State for vacating the stay granted by this Court by order dated 25th February, 1997. In the alternative, it is prayed that the respondent no.3 i.e. the Special Executive Magistrate, Tardeo Division, Mumbai, be permitted to take out a separate preventive action against the respondent nos.1 and 2 (i.e. applicant nos.1 and 2 in Criminal Application No. 663 of 1997) for their prejudicial activities.

2. The Show-Cause Notice has been issued in February 1997 and it pertains to the incidents of the year 1996 and 1997. Looking to the fact that the incidents pertain to the years 1996 and 1997 and

more than seven and half years have elapsed since then, the proceedings relating to said Show Cause Notice issued in Chapter Case No.1 of 1997 came to be quashed by the order of this Court passed today. However, it is made clear that today if the situation is such that it warrants initiation of fresh chapter proceedings against the applicants, the concerned authorities would be at liberty to do so.

. In view of the above, nothing survives in this application and the same is disposed of.

[V.K.TAHILRAMANI.J]